

**IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No. 18-3695 & 19-1157

DOLGENCORP, LLC

Petitioner/Cross-Respondent

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent/Cross-Petitioner.

**ANSWER TO CROSS-APPLICATION FOR ENFORCEMENT OF AN ORDER
OF THE NATIONAL LABOR RELATIONS BOARD**

Petitioner/Cross-Respondent Dolgencorp, LLC (“Dollar General”) answers the allegations set forth in Respondent/Cross-Petitioner National Labor Relations Board’s (“NLRB”) Cross-Application for Enforcement of its Order in NLRB Case No. 14-CA-223328, reported at 367 NLRB No. 48 (“Order”), Case No. 19-1157.

Dollar General filed a Petition for Review in this Court on December 17, 2018, requesting that this Court set aside the Order, Case No. 18-3695. On January 23, 2019, this Court consolidated Case No. 19-1157 and Case No. 18-3695 for purposes of briefing and submission to the Court. Dollar General’s Petition for Review remains pending. Consistent with Dollar General’s assertions and relief sought in its Petition for Review,

Dollar General requests that the Court deny the NLRB's Cross-Application for Enforcement of the Order, further stating as follows:

1. Dollar General admits that, through its Cross-Application, the NLRB is seeking enforcement of the Order which the NLRB issued on December 11, 2018.

2. Dollar General admits that the Order is the subject of the Petition for Review that Dollar General filed in this Court on December 17, 2018.

3. Dollar General admits that this Court has jurisdiction over this case pursuant to Sections 10(e) and 10(f) of the National Labor Relations Act, as amended, 29 U.S.C. §§ 160(e) and (f) ("the Act").

4. Dollar General admits that it is aggrieved by the Board's Order.

5. Dollar General admits that venue is proper in this Court, but not because any unfair labor practice occurred in its Auxvasse, Missouri location. Rather, venue is proper because Dollar General maintains a place of business in Auxvasse, Missouri.

6. Dollar General denies that any unfair labor practices occurred.

7. Dollar General hereby incorporates by reference all exceptions, claims and defense hereto asserted by Dollar General in the administrative proceedings, claims and arguments set forth in Dollar General's Brief in Support of Petition for Review in Case No. 18-3695 & 19-1157, which will be filed on or before March 18, 2019.

WHEREFORE, Dollar General respectfully requests that the Court decline to enforce the Order and vacate the Order in its entirety.

Respectfully submitted,

/s/ Michael K. Taylor

Michael K. Taylor

Joseph C. Ragaglia

Michael E. Lignowski

Crystal S. Carey

MORGAN LEWIS & BOCKIUS LLP

1701 Market Street

Philadelphia, PA 19103

(215) 963-5365 / (215) 963-5455

Michael.Taylor@morganlewis.com

Joseph.Ragaglia@morganlewis.com

Michael.Lignowski@morganlewis.com

Crystal.Carey@morganlewis.com

Date: February 13, 2019

Attorneys for Petitioner, Dolgencorp, LLC

CERTIFICATE OF SERVICE

I hereby certify that on February 13, 2019, I electronically filed the foregoing **Answer to Cross-Application for Enforcement of an Order of the National Labor Relations Board** with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

Dated: February 13, 2019

/s/ Michael K. Taylor
Michael K. Taylor